

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LOUIS JAMES BROWN III, #02352001
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VS.
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DIRECTOR, TDCJ-CID
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CIVIL ACTION NO. 4:23cv773

ORDER ADOPTING REPORT AND RECOMMENDATION
CONCERNING PETITIONER'S MOTION FOR SUMMARY JUDGMENT

The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (“the Report”) (Dkt. #26) concluding that Petitioner’s motion for summary judgment (Dkt. #18) should be denied. Petitioner filed a Notice (Dkt. #27),¹ acknowledging that summary judgment is not a proper method of adjudicating a § 2254 petition. *See Browder v. Dir., Ill. Dep’t of Corr.*, 434 U.S. 257, 269 n.14 (1978). Thus, Petitioner has not objected to the findings and conclusions of the Report.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Petitioner's motion for summary judgment (Dkt. #18) is **DENIED**.

¹ In the Notice, Petitioner seeks an expedited ruling in his case. (Dkt. #27). The Court will consider Petitioner's case as soon as possible given its substantial docket and limited resources.

IT IS SO ORDERED.

SIGNED this 12th day of December, 2024.



Amos L. Mazzant
AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE